

PAUL SCOTT KLEIN,	)	Appeal No. 11-17397
	)	
Plaintiff,	)	3:11-cv-00648-ECR-VPC
	)	
vs.	)	
	)	<b>ORDER</b>
DR. SCOTT, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	/	

On October 7, 2011, the Ninth Circuit Court of Appeals referred the matter to this Court for the limited purpose of determining whether *in forma pauperis* status should continue for the appeal or whether the appeal is frivolous or taken in bad faith. (ECF No. 12). This Court certifies that any *in forma pauperis* appeal from its order would not be taken “in good faith” pursuant to 28 U.S.C. § 1915(a)(3). *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Gardner v. Pogue*, 558 F.2d 548,

1 550 (9th Cir. 1977) (indigent appellant is permitted to proceed *in forma pauperis* on appeal only if  
2 appeal would not be frivolous).

3 **IT IS THEREFORE ORDERED** that this Court **CERTIFIES** that any *in forma pauperis*  
4 appeal from its screening order dated September 14, 2011 (ECF No. 3) would **NOT** be taken “in good  
5 faith” pursuant to 28 U.S.C. § 1915(a)(3).

6 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** this order to the United  
7 States Court of Appeals for the Ninth Circuit.

8 DATED this 13<sup>th</sup> day of October 2011.

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11 UNITED STATES DISTRICT JUDGE